

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAYMOND BEY, et al.,	:	CIVIL ACTION
	:	
Plaintiffs,	:	
	:	NO. 05-388
v.	:	
	:	
CITY OF PHILADELPHIA, et al.,	:	
Defendants.	:	

**MEMORANDUM AND ORDER**

BUCKWALTER, S.J.

October 13, 2005

The parties should be familiar with the history of this case, but a recounting of it in its entirety is necessary background for the schedule hereafter established, by the following of which the issues raised by this litigation can be ultimately resolved. The history follows.

On November 4, 2004, plaintiff filed his *pro se* complaint in the United States District Court for the District of New Jersey. The docket in that court reflects that service was made on various defendants and that an answer was due on December 6, 2004. On that day, the defendants filed a motion to dismiss, or in the alternative, transfer venue.

On December 13, 2004, plaintiff filed an amended complaint, to which defendants responded by notifying the court that they continue to rely on their motion to dismiss or transfer in opposition to plaintiff's amended complaint.

After briefing by both parties, Judge Joseph H. Rodriguez entered an order dated January 20, 2005 transferring the matter to this court, where it was assigned to the calendar of

Judge Edmund V. Ludwig. Judge Rodriguez, in his order of January 20, 2005, made no ruling with regard to the defense motion to dismiss.

On May 18, 2005, at a scheduling conference before Judge Ludwig at which plaintiff appeared on his own behalf and defendants, through their counsel, Gerald E.

Wallerstein, who had entered his appearance that day, the following deadlines were imposed:

Defendant's answer to be filed by 5/27/05.  
Self-executing discovery by 5/27/05.  
Paper discovery by 6/3/05.  
Depositions to be held in July, 2005.  
Next Rule 16 conference - August 16, 2005 at 11:00 a.m.

The minute sheet of that scheduling conference also reflects the following:

Plaintiff's oral request for entry of default judgment. Judge directs him to submit the request according to the rules.  
Plaintiff's statement of Rule 9B violations. Judge directs him to submit in form of a motion.  
Judge directs plaintiff and defense counsel to work together to assist in resolution of this action.  
Parties urged to call Magistrate Judge Caracappa for a settlement conference.

On May 24, 2005, plaintiff filed his motion for summary judgment. On May 27, 2005, Judge Ludwig scheduled a status conference for June 21, 2005. On the same day, in accordance with the deadlines scheduled on May 18, 2005, defendants filed their answer to the amended complaint.

On June 6, 2005, defendants timely filed their memorandum in opposition to plaintiff's summary judgment motion. On June 22, 2005, after the June 21, 2005 status conference, the following order was entered:

1. The (July 19, 2005 [sic]) **May 19, 2005** scheduling order is vacated;

2. By Friday, June 24, 2005, plaintiffs shall serve their self-executing disclosures;
  - (2[sic]) 3. By Friday, July 8, 2005, plaintiffs shall serve their written discovery;
  - (3[sic]) 4. By Friday, August 26, 2005, the parties shall complete all deposition discovery.
- A Rule 16 conference will be held on Tuesday, September 13, 2005 at 11:00 a.m.:
- resolution;
  - trial scheduling.

Moreover, at the June 21, 2005 status conference, Judge Ludwig heard argument on plaintiff's summary judgment motion, and on June 27, 2005, entered an order denying the motion as premature.

On July 22, 2005, the defendants filed a motion to compel discovery, and on July 26, 2005, the defendants filed a motion to limit interrogatories. Also on July 26, 2005, defendants filed a memorandum in opposition to plaintiffs' two Rule 11 motions: one docketed on July 27, 2005 (Docket 19); the other part of Docket 18.

On August 3, 2005, a Rule 16 conference was scheduled for September 13, 2005 before Judge Ludwig to include argument on plaintiff's motion for sanctions and defendants' motion to compel and limit interrogatories. On August 9, 2005, that conference was rescheduled to August 17, 2005.

On August 15, 2005, plaintiff filed a brief listing a series of grievances with the court and defendants.

On August 18, 2005, the case was transferred to my calendar.

On August 30, 2005, plaintiff filed a motion for default judgment.

On September 16, 2005, the city withdrew its motion to limit interrogatories and submitted its answers.

The following motions have not been resolved:

- (1) Motion to compel discovery filed by defendants (Docket 16);
- (2) Plaintiff's motion for sanctions (Docket 19);
- (3) Plaintiff's motion for default judgment (Docket 24).

They will be resolved in the Order that follows. After reading the motions and responses thereto, the court **ORDERS** that:

1. Defendants' motion to compel (Docket 16) is **DENIED** without prejudice to its submitting no more than 9 discrete and relevant interrogatories to plaintiff and not more than 8 discrete and relevant document requests on or before October 31, 2005. Thereafter, plaintiff will have until November 21, 2005 to respond unless extended by leave of court.

2. Plaintiff's motions for sanctions (Dockets 18 and 19) are **DENIED**.

3. Plaintiff's motion for summary judgment (Docket 24) is **DENIED** without prejudice to submitting a case dispositive motion after discovery is completed.

Moreover, defendants' motion to limit interrogatories (Docket 17) is **DISMISSED**, pursuant to the defendants' withdrawal of that motion.

Finally, the following **AMENDED SCHEDULING ORDER** is established, replacing all previous discovery orders:

- (a) All discovery must be completed on or before November 30, 2005;
- (b) All case dispositive motions must be filed on or before December 14,

2005;

(c) This case is placed in the trial pool commencing January 17, 2006; and

(d) At the request of the parties, a settlement conference will be scheduled  
before a magistrate judge.

IT IS SO ORDERED.

BY THE COURT:

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RONALD L. BUCKWALTER, S.J.